

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jerry Wyatt, Councilmember
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember
Brett Kolaja, Councilmember
Cynthia Gary, Councilmember
Caroline Kelley, City Attorney
Frank Simpson, City Manager
Patrice Fogarty, City Secretary

CITY COUNCIL MEETING MINUTES

City Council of the City of Missouri City, Texas, met in regular session **Tuesday, January 20, 2009**, at the City Hall Council Chambers, Second Floor, 1522 Texas Parkway, Missouri City, Texas, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:00 p.m.

Those also present: Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja; City Manager Simpson, City Attorney Kelley, and City Secretary Fogarty.

2. PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* was led by the Cub Scout Pack #820.

3. PRESENTATIONS AND RECOGNITIONS

There were no Presentations and Recognitions at this time.

4. CONSENT AGENDA

- (a) Consider approving the **minutes** of the **regular and special** City Council meeting of **January 5, 2009**.
- (b) Consider authorizing the **purchase of computer equipment** through the State of Texas Department of Information Resources cooperative purchasing contract.
- (c) Consider authorizing the City Manager to negotiate and execute an agreement for **Medical Director Services** with **Dr. Benjamin Oei** for emergency services.

Councilmember Jimerson moved to approve the Consent Agenda pursuant to recommendations by Staff. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

Agenda item 4 (b) is to authorize the purchase of computer equipment through the State of Texas Department of Information Resources cooperative purchasing contract from **M & T Consulting, LLC** in the amount of **\$44,036.00**.

Agenda item 4 (c) is to authorize the an agreement for **medical director services** with **Dr. Benjamin Oei** for an annual fee not to exceed **\$24,000.00**.

5. APPOINTMENTS

There were no Appointments at this time.

6. AUTHORIZATIONS BY COUNCIL

- (a) Consider authorizing the City Manager to execute a **professional services agreement** for the **Willow Waterhole Master Drainage Plan Update**.

Councilmember Wyatt moved to authorize a professional services agreement for the **Willow Waterhole Master Drainage Plan Update** with **Kimley Horn and Associates, Inc.** Councilmember Gary seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

- (b) Consider authorizing the City Manager to execute a **professional services agreement** for **bridge structural analysis**.

Councilmember Jimerson moved to authorize a **professional services agreement** with **Costello Inc** for **bridge structural analysis**. Councilmember Wyatt seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (c) Consider authorizing the Mayor to execute the **acceptance of dedication of right-of-way** for **Cravens Road cul-de-sac** from BC Business Park, L.P., upon completion of satisfactory due diligence and upon dedication by BC Business Park, L.P.

Mayor Pro Tem Reiter moved to **accept the dedication of right-of-way** for **Cravens Road cul-de-sac** from BC Business Park, L.P., upon completion of satisfactory due diligence and upon dedication by BC Business Park, L.P. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

7. PUBLIC COMMENTS

Llaren Turner addressed City Council and the public regarding the upcoming City of Missouri City's "Under the Sea" Dad and Daughter Valentine's Dance held on Friday, February 13, 2009 at the Community Center.

8. PUBLIC HEARINGS

There were no Public Hearings at this time.

9. PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES

- (a) Public hearing to receive comments for or against a request by **Cesar Corrales of Ted Trout Architect and Associates, Ltd.**, on behalf of the BW8 200, LP, to rezone an approximately 7.712-acre tract of land from MF-1, Multifamily Residential District to PD, Planned Development District to allow for deviations to the City's Zoning Ordinance to locate an **age-restricted, senior living development**; providing a penalty; providing for severability; and to **consider the ordinance on the second and final reading**. The subject site is located southeast of the intersection of S. Gessner Road. and Beltway 8 and west of South Main Gardens.

The public hearing opened at 7:07 p.m. Planner Ford noted changes to the ordinance since first the reading was approved at the January 5, 2009, City Council meeting. The applicant is requesting two deviations to the ordinance. The first is the installation of Hardie-Plank on the exterior of the garages and roofing shingles on the entire development, with an exception to the Club House.

Mayor Pro Tem Reiter questioned the warranty on the shingles. **Kenneth W. Fambro**, Vice President of Integrated Real Estate Group, stated he will have installed 50-year shingles to the roof. With no further comments, the public hearing closed at 7:13 p.m.

Mayor Pro Tem Reiter moved to approve the **ordinance** with the deviations as follows: Hardie-Plank on the garages, with brick trim, and with the 50-year shingles to the roof. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (b) Public hearing to receive comments for or against a request by **Llarance Turner of Kelly R. Kaluza & Associates, Inc.**, on behalf of II C.B., L.P., to rezone an approximately 54.307-acre tract of land from R-2, Single-Family Residential District to LC-3, **Retail District**; providing a penalty; providing for severability; and to **consider the ordinance on the second and final reading**. The subject site is located at the southeast intersection of US 90A (South Main Street) and South Cravens Road.

The public hearing opened at 7:15 p.m. With no public comments, the public hearing closed at 7:15 p.m.

Mayor Pro Tem Reiter moved to **approve the request by Llarance Turner of Kelly R. Kaluza & Associates, Inc.**, on behalf of II C.B., L.P., to rezone an approximately 54.307-acre tract of land from R-2, Single-Family Residential District to LC-3, **Retail District on the second and final reading**. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

10. CONSIDERATION OF ORDINANCES

- (a) Consider an ordinance of the City of Missouri City, Texas, amending Chapter 2, Administration, of the Code of Ordinances of the City of Missouri City, Texas; removing the designation of **election precincts and polling places** from the Code of Ordinances and providing for such designation by separate ordinance; providing for repeal; and providing for severability; and to **consider on the second and final reading**.

Councilmember Wyatt moved to **amend** Chapter 2, Administration, of the Code of Ordinances of the City of Missouri City, Texas; removing the designation of **election precincts and polling places** from the Code of Ordinances and providing for such designation by separate ordinance **on the second and final reading**. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

11. CONSIDERATION OF RESOLUTIONS

- (a) Consider a resolution of the City Council of the City of Missouri City, Texas, authorizing the Mayor to execute and the City Secretary to attest the **First Amendment to the Economic Development Agreement** by and between the City of Missouri City, Texas and **Ben E. Keith Company** pertaining to 82.204 acres of land located in the City of Missouri City, Texas.

Mayor Pro Tem Reiter moved to authorize the Mayor to execute and the City Secretary to attest the **First Amendment to the Economic Development Agreement** by and between the City of Missouri City, Texas and **Ben E. Keith Company** pertaining to 82.204 acres of land located in the City of Missouri City, Texas. Councilmember Wyatt seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (b) Consider a resolution of the City Council of the City of Missouri City, Texas, adopting the **meeting room use policy**; and repealing all ordinances, resolutions or policies in conflict herewith.

Councilmember Gibson moved to **approve** the resolution of the City Council of the City of Missouri City, Texas, adopting the **meeting room use policy**; and repealing all ordinances, resolutions or policies in conflict herewith. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

12. RECEIVING OF REPORTS

There were no reports on this agenda.

13. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

14. RECONVENE INTO OPEN SESSION

No action taken at this time.

15. ADJOURN

The meeting adjourned at 7:20 p.m.

Patrice Fogarty, City Secretary